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In re Application of WILLIAMS et al	:	
U.S. Application No.: 09/856,938	:	DECISION ON PETITION
Int. Application No.: PCT/GB99/03997	:	
Int. Filing Date: 30 November 1999	:	UNDER 37 CFR 1.137(b)
Priority Date: 30 November 1998	:	
Attorney Docket No.: H8610/259296	:	
For: WOOD PRESERVATIVE FORMULATIONS	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 18 January 2002.

BACKGROUND

On 30 November 1999, applicant filed international application PCT/GB99/03997, which claimed priority of an earlier United Kingdom application filed 30 November 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 08 June 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 23 June 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 May 2001.

On 30 May 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 16 July 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

International application PCT/GB99/03997 became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements mailed 16 July 2001.

On 18 January 2002, applicant filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that abandonment of the application was unintentional.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.


With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application has an international filing date of 30 November 1999 and a date under 35 U.S.C. 371 of 18 January 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.


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